The statutory provision in question requires that the application provide a written description of the invention which is sufficient to enable any person skilled in the art to that the disclosure of the present invention is clearly sufficient to enable the art-skilled to make the compositions of the invention and to use such compositions to the full sufficient to enable the art-skilled to make the compositions of the invention and to use such compositions to the full scope of the subject matter being claimed.

scope of the claimed subject matter and which are synergistic. readily make and use other specific compositions within the conjq, based upon the disclosure of the present application, matter of the present invention. Those skilled in the art are purely illustrative and not exhaustive of the subject is not at all the case and that these specific compositions demonstrated to be synergistic. Applicants submit that this wake and use those compositions which are specifically qiscjosnie ot the present application, would be able only to reason to believe that the art-skilled, based upon the There is no the Examiner can properly take such position. position advanced by the Examiner and do not understand how The Applicants completely disagree with the synergistic. tor those ratios which have been demonstrated to be The Examiner states that the specification is enabling only

The Examiner is thus respectfully requested to reconsider and withdraw the objection to the specification and the rejection of the claims.

The claims are rejected under the provisions of 35 U.S.C. 103 as being unpatentable over Deng (AQ) in view of Wang et al. (R) and Lin et al. (S). This ground of rejection is deemed to be untenable and is thus respectfully traversed.

First, it is to be pointed out that Applicants have established previously on the record that artemether was, at the time of the present invention, recognized as being unsuitable for formulation in an oral dosage form. This can absorption of the active agent. Thus, the information that artemether is administered orally, as appears at first glance or reported in the newly cited Lin et al. reference, to be reported in the newly cited Lin et al. reference, therefore appears rather surprising and would stimulate the therefore appears rather surprising and would stimulate the

In arguments previously presented by Applicants, it has been emphasized that prior to the present invention, the oral administration of artemether was not known and was not obvious U.S.C. 103. In countering Applicants' arguments, the Examiner reference the Lin et al. reference and urges that the administered orally. Applicants respectfully submit that when the teachings of the Lin et al. reference are considered in detail, the Applicants arguments remain valid and that when the teachings of the Lin et al. reference are considered in Lin et al. reference does not in any way detract from the Din et al. reference does not in any way detract from the case and the case of the Lin et al. reference does not in any way detract from the case and the case of the instantly claimed subject matter.

The Lin et al. reference is newly cited by the Examiner and

The Deng and Wang et al. references have been discussed in great detail in the previous prosecution of the present teachings of those references has been set forth in detail. Particular attention is directed to Applicants' response of particular attention in the present of th

information, the art-skilled would then have taken a closer look into the complete Lin et al. publication. Upon doing so, he would, however, discover that the abstract appearing in the Chemical Abstracts reference cited by the Examiner incorrectly reports the contents of the Chinese publication. The term "oral" has erroneously - in the abstract - been assigned to a type of administration which is, in reality, intragastric. The intragastric administration which is, in reality, intragastric as unrelated with any oral dosage form containing the same agent. It can, therefore, be concluded that the newly cited reference of the Examiner does not, in fact, suggest what it prima facie appears to suggest to suggest what it

interest of those skilled in the art.

To obtain further

The Examiner is presently contending that the oral administration of artemether to animals as mentioned in the newly cited Lin et al. reference, would suggest an oral dosage form, such as tablets, administered to humans. Without any doubt, publication. However, in the English translation of the publication. However, in the English translation of the mentioned at all. As is apparent in the English translation of the mentioned at all. As is apparent in the English translation which is attached, the publication only mentions "intragastric gavage" of the active agent. In this respect, see the particular and the second that the second the standard and the second that are the second that the second that the second that are the second that the second

The terms "orally" and "intragastric gavage" are certainly not synonymous. There are some remarkable differences between these modes of administration. According to Webster's New Universal Unabridged Dictionary, second edition, 1983, page 159 (copy attached) "gavage" is defined as:

beregraph.

forced feeding of poultry through a tube for the purpose
 of fattening them for market
as to human administration: a similar method of giving
 nourishment to a patient.

The differences between both modes of administration is selfevident. The Chinese publication teaches only the forced administration of a substance to animals through a device such It does not teach oral administration through the as a tube. mouth. Intragastric administration is typical of animal experimentation and deemed to be clearly distinct from the self-administration of a conventional oral dosage form, such as a tablet, to human beings. The term "orally" as mentioned in the Chemical Abstracts publication, therefore appears incorrectly chosen for defining the type of administration that was actually carried out according to the Lin et al. publication. This reference should, therefore, be interpreted differently in light of the complete Chinese publication. follows therefore that Lin et al. is, in reality, further away from the claimed subject matter than appears from a literal interpretation of the Chemical Abstracts publication.

It is additionally to be pointed out that even if the Chemical Abstracts publication itself should be interpreted without referring to the translation of the original Lin et al. Chinese publication, such publication does not suggest an oral dosage form. The point to be made here is that the oral administration of an active agent to animals does not suggest an oral dosage form of the active agent.

In view of the enormous number of publications that appear daily, the art-skilled are unable to evaluate - let alone translate - thoroughly each publication which is summarized by abstracting in Chemical Abstracts. It has become common daily practice that those skilled in the art only rely on the short

abstracts which are published without further control of the complete publications and the correctness of the abstract. Therefore, the art-skilled might consider only what the isolated Chemical Abstracts publication would teach without relying upon the specific information from the complete Chinese publication. Thus, the artisan might view the isolated Chemical Abstracts publication literally to the effect that artemether is administered orally to animals. However, any prima facie assumption that such literal interpretation would teach an oral dosage form administered to humans is completely incorrect.

Pharmacological activity and toxicological studies of new compounds with animals as required by the World Health Organization (WHO) or national regulatory authority, e.g., the U.S. Food & Drug Administration (FDA), routinely comprise various routes of administration. In this respect, see <a href="Principles for Pre-Clinical Testing of Drug Safety">Principles for Pre-Clinical Testing of Drug Safety</a>, WHO Technical Report Series No. 341 (1966), page 7 (attached hereto). This publication states:

"Typical experiments on new drugs involve the administration of single doses by various routes to animals and measurement of drug concentrations in body fluids and tissues."

According to the Guidelines for the Format and Content of the Non-Clinical Pharmacology/Toxicology Section of an Application (see attached), the oral route is recommended but also other routes of administration. Those documents clearly show that there is no direct link between the route of administration chosen for conducting animal experiments and the type of dosage form developed for administering the same agent to humans.

In addition, there are further reasons why the animal experiments, as reported in the Chemical Abstracts publication, do not suggest an oral dosage form.

In animal experimentation, two different modes are used for administering compounds to rodents when testing the absorption in the gastrointestinal tract:

- (a) Food pellets which contain measured amounts of the drug to be tested. By feeding the pellets when the animals are hungry, their intake is ensured. Pellets are used as vehicles for the oral administration of drugs presenting no problems regarding solubility, dispersibility or taste. This method may be defined as oral administration.
- (b) Intragastric (i.g.) gavage with drug solutions or suspensions. This method is primarily employed for administering higher doses of poorly water-soluble compounds.

The dose of 100 to 200 mg/kg/day, administered up to seven days to small mice, appears very high and reveals toxicologic experimentation. The Chemical Abstracts publication mentions a "markedly enlarged spleen". This points to toxicity effects caused by the high dosage administered rather than to immunological effects. To administer an almost insoluble active agent at an extremely high dose, anyone skilled in the art would reject method (a) of administering the active agent orally with food pellets and would, rather select the (i.g.) method (b). The English translation of the Chinese publication reveals that a 1% aqueous suspension of tragacanth gum was administered via the i.g. route. Therefore, the abstract contains a contradiction between the high dose chosen and the alleged oral administration. When high doses are administered, they are not administered orally.

Applicants further respectfully submit that the combination of the new Lin et al. reference with the other references previously cited and relied upon by the Examiner, does not suggest the claimed dosage form containing the active agents.

Applicants have explained above that the newly cited Lin et al. reference does not suggest an oral dosage form containing artemether. This allows the reasonable conclusion that the combination of the new reference with the other references previously cited and relied upon by the Examiner also does not suggest an oral dosage form containing the combined active agents benflumetol and artemether.

Based upon the foregoing remarks, Applicants respectfully submit that the Examiner's rejection of the claims as lacking patentability under the provisions of 35 U.S.C. 103 over the teachings of the cited references is untenable and should be reconsidered and withdrawn.

It is respectfully submitted that the present application is now in condition for allowance and such allowance is solicited.

Respectfully submitted,

1.

70HN T. MILLER Registration No. 21120

JTM/vca Washington, D.C. Telephone No. (202) 371-8850 October 24, 1995 C.A. 103:134524 Yaoxue Xuebao (1985), 20(3), 211-213 <a href="Engl.Translation">Engl.Translation</a>
The effects of artemether on serum IgG and spleen weight in mice
Lin Pei—ying, Pan Jing—qiang and Feng zhao—ming
(Guangzhou Institute of Medicine and Health, Guangzhou)

Some immunological effects of artemisinin and sodium artesunate had been already reported (1-3). Employing single radial immunodiffusion test (4), this article estimated the effect of <u>oral</u> artemether administration on serum IgG and spleen weight in mice.

Inbred JCR mice of 20-25g body weight were used. Mice of both sexes (equal number) were randomly divided into groups. Artemether (Kweilin Pharmaceutical Factory) and chloroquine (Chung — kung Pharmaceutical Factory) were suspended in 1% gummi tragacanthae for intragastric gavage. Rabbit anti mouse IgG antiserum, standard JCR mouse serum antigen were prepared by the laboratory (4).

## 1. The effect of artemether on serum IgG in normal mice

Seventy nine mice were grouped randomly into artemether high dose group (200mg/kg/d), low dose group (100mg/kg/d), chloroquine group (200mg/kg/d) and control. To treated groups drugs were given twice daily for 7 days. Same amount of gummi tragacanthae was given to controls. Twenty four hours after the last medication, took orbital blood from every groups, collected the serum and measured the serum IgG of each mouse using single radial immunodiffusion test. The experiments were carried out twice. Results showed that mean IgG value of control was 12.56 $\pm$ 0.72mg/ml (X  $\pm$ SE); high dose artemether group 8.82 $\pm$ 0.73mg/ml, in comparison with that of control, the difference was highly significant (P < 0.001). It indicated that artemether (200mg/kg/d) reduced markedly the serum IgG in

normal mice, while chloroquine exhibited no evident effect on the serum lgG in normal mice.

## 2. The effect of artemether on serum IgG in SRBC immunized mice

The experimental conditions were essentially the same as above mentioned, the only difference was that on the 2nd day after medication, 71 mice were immunized by ip 0. 2ml antigen (20% SRBC suspension, SRBC 2  $\times 10^8$ /ml) individually. Results of doubly repeated experiments showed that the IgG value of control was 14. 62  $\pm$  0. 70mg/ml and of low dose artemether group 12. 20  $\pm$  0. 74mg/ml. The difference between two groups was significant (P<0.05), it pointed out that artemether (100mg/kg/d) decreased the serum IgG of immunized mice, while chloroquine showed no such effect.

3. The effect of artemether on serum IgG in plasmodium berghei infected mice

By routine method (5), 77 normal mice were infected with plasmodium berghei. After parasite inoculation mice were divided randomly into high dose artemether group (200mg/kg/d), low dose artemether group (100mg/kg/d) and infected control. Medication initiated 24h after inoculation twice daily for 4 days. Same amount of gummi tragacanthae was given to control. 24h after the last medication made thin smears, stained and examined microscopically to observe the parasite clearance or infection rate, collected the serum and estimated the serum IgG by single radial immunodiffusion test. Results of doubly repeated experiments showed that the parasite suppression rate of 2 dose groups of artemether and chloroquine were 100%. No difference in serum IgG existed between 2 dose groups of artemether and chloroquine treated group in comparison with infected control group (P>0.

05).

## 4. The effect of artemether on spleen weight

Experimental conditions were the same as those mentioned above. 24h after last medication, orbital blood was taken and mice sacrificed, took and weighed spleen, then calculated the spleen weight per 10g body weight. Results pointed out: the difference in spleen weight between 2 dose groups of artemether and controls was highly significant (P < 0.01 - 0.001). It reflected that artemether could increase the spleen weight of normal mice while chloroquine could not. Furthermore, 2 dose levels of artemether could also increase the spleen weight in SRBC immunized mice. In comparison with that of control, the difference was highly significant (P < 0.001). Chloroquine had no such effect.

Experimental results also demonstrated that the spleen weight of Plasmodium berghei infected mice treated by 2 dose levels of artemether was much lower than that of untreated, infected mice. No malaria parasite was detected in the blood of artemether treated mice, it indicated that antimalaria efficacy of artemether might prevent the increse of spleen weight. The spleen weight of chloroquine treated group decreased also in comparison with infected control group.

## Discussion

The results of the experiment in this article showed that artemether could reduce not only the serum IgG of normal mice but also that of SRBC antigen stimulated mice, it indicated that artemether exhibited suppressive effect on humoral immunity. Besides, artemether increased the spleen weight of both normal and SRBC antigen stimulated mice. The change of spleen (an

immune organ) weight might reflect the magnititude of proliferation of immunocytes and the change of immunological function of the organism. From the results, the authors deduced that artemether might act to promote the proliferation of the spleen Ts cells, consequently suppress the IgG. It provided the basis for extending the clinical application of artemether. The effect of artemether on serum IgG and spleen was quite similar to those characteristics exhibited by artemisinin. Artemisinin had been reported to have satisfactory therapeutic efficacy in the treatment of lupus erythematosus (6). The authors considered that artemether might be also used in the treatment of lupus erythematosus and immune disease in clinics. Besides, in the parallel control study with chloroquine, the authors note that under the dose used in the study, chloroquine reduced the spleen weight of malarial mice, and had no effect on serum IgG and spleen weight in normal and SRBC sensitized mice, this fact demonstrated that the pharmacological action of artemether was different from that of chloroquine. For evaluating rationally the drug action, the author designed to study the immune effect of artemether at different dose levels in mice. Results pointed out that the effect of different doses of artemether on serum IgG in mice was different, whereas the effect of the same artemether dose on serum IgG in different status of mice was also different. High dose artemether (200mg/kg/d) could markedly lower the serum IgG in normal mice, while low dose (100mg/kg/ d) had no such effect. On the contrary, low dose reduced serum IgG markedly in SRBC immunized mice, while high dose not. This phenomenon explained that different doses could alternate the effect of artemether on serum IgG level in mice and the susceptibility of organism to artemether under different status was also different. From the standpoint of immunology, it provided the evidence of considering the patient's immune status in clinical artemether medication.



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Second Edition

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"any of the Celtic-speaking people of ancient Gaul.

"ar "Per (boult-ter), n. (G.) a district lead of real countries.

"Ber (boult-ter), n. (G.) a district lead of real countries.

"Gaul'lah, n. the continental branch of the Gaul'lah, n. a genus of shrubs of the heath family, of which the American winter-green, Gaulherie procumbens, is typical, hrvs. armed after Dr. Gaultier, a Canadian physician; also, [g-] any plant of this genus, agum, n. (Fov. Egg., from AS. gyman, gyman, gaum, n. (b. to daub or smear, [Brit. Dial.] gaum, n. (b. to daub or smear, [Brit. Dial.] gaunt, n. (B.E. gaunt, gaunte, lean, slender; prob. from Norw, gand, a thin pole) and haggard, as irom great hunger or age.

2. looking grim, forbidding, or desolate.

"Bunn'etc. gan'etc. n. (GPr. ganteled, dim. of

d. looking grim, forbidding, or desolate.
gäunt/let, gänt/let, n. [OFr. gantelet, dim. of
gont, aglove, from
D. want, a mitten.]

D. wont, a mitten, l'a glove, spedically, in medeval armor viering of the hand
and wrist.

ing of the name GAUPTILES
and wrist.
2. a long glove with a flaring cuff covering
the lower part of the arm.
3. the part of such a glove covering the
lower part of the arm.
4. in surgery, a form of bandage for the

and. to lake up the gauntlet; (a) to accept a chal-inge; (b) to undertake the defense of a per-

son, etc.

Io throw down the gauntlet; to challenge,
gaunt'let, n, a gantlet (form of punishment),
gaunt'let ed, a, having or wearing a gauntlet,

gaunteed, a. naving of wearing a gauntee gaunt'ly, adv. leanly; meagerly. gaun'try, n.; pl. gaun'tries, a gantry. gaur, au wild ox.] an East Indian variety of wild cattle similar to the domesticated gayal.

wild cattle similar to the domesticated gayal, gaure, si, to gape; to stare; to gaze with open mouth. (Obs.) Karl F. Gauss (1777–1855). G. mathematician and physicist, in electricity, a unit used in measuring magnetic induction magnetic force per square centimetric of magnetic force per square centimetric. Gauss' and an amendate of discovered by Karl F. Gauss; as, Gaussian logarithm Gass. (Successive Control of the control

other material of similar open texture; as, we will be seen a seen as a seen

"In ", comp, gausser; super!, gaussest; super!, gaussest; submarker. Like gause; disaviager (Lväsh'), m. [Fr., from gauer, to gorge lowls with lood in order to fatten them. from a life of the purpose of lattering them for market, for the purpose of lattering them for market, to a patient, gave the submarker of the purpose of lattering them for market, to a patient, and the submarker of the

origin.]
1. a mason's hammer for breaking off the ough edges of stones.
2. a small mallet rapped on the table by a

presiding officer in calling for attention or

presiding officer in calling for attention or silence.
gav'elet, [from ME, gast'; AS, grol; tribgav'elet, [in English law a special writ used for the lorfeiture of property because of the withholding of rent or services. [Obs.] gav'elekind, n. [ME, gastlkynde, gastlkende and kynde, kinde, kinde, sort,]

1. formerly, a system of land tenure by writing the silence of the silence

gāver-lek, n. the red gurnard, a kind of fish. Gāv-lek, n. pl. [I. gavid, a sea new.] a group of birds of which gulls are the type. Gaven of the grade of the gra

tive, hilarious, hilarious, a male homogay'al (ga'Al), n. [native E. Ind. name] a species of ox. Bos Ironatia, found with except and of the property of the pr

plack nucleon) is discrete for the first form of the first form of

gay'ness, n. gaiety.
Gay'-Pay'-Oô', [from first letters of Russ.
Gosudarstvennoye Politicheskoye Upravlyeniye, governmental political department.] for-

gazette

merly, the state security police, or secret service, of the Soviet Union, succeeding the Cheka in 1922. gaybome, a. full of gaiety. gaywings, n. a trailing pink wildflower of the eastern United States and Canada.

eastern ointed States and Canada. 'Ay'you, n. [Anglo-Ind.] a narrow, flat-bot-tomed Annamese fishing boat. It has an out-rigger and either two or three masts, and is provided with a movable roof amidships.



carvou

Ga-zāfni-ā, n. a genus by l. mes how ne satur

fai you have seen by l. mes how ne satur

fai you have seen by l. mes how ne satur

fai you have been by l. mes how ne satur

fai you have been been been when he was not

he have been been seen and the fair and only in

he have been deep seen to have a seen and the fair

gaze, not me we seen the fair fair fair fair

gaze, not me we seen the fair fair fair fair

gaze, not me we seen the fair fair fair

gaze, not me we seen the fair fair

gaze, not seen seen seen the fair

ye men of Galilee, why stand ye resing up

syn.—gape, stare—I or gaze is to look with

fixed and prolonged attention, awakened by

syn.—gape, stare—I or gaze is to look with

fixed and prolonged attention, awakened by

it to look fixedly with feelings of ignorant

wonder; to stare is to look fixedly with wide
open eyes, as in surprise or curriculy.

gaze, n. 1. a fixed look; a look of eagerness,

wonder, or admiration; a continued look of

attention. With scoret gaze

Or open admiration in behold.—Milton

attention. With secret gaze

2 open admiration him behold.—Milton.

2 open admiration him behold.—Milton.

2 open admiration on that which causes one to gaze. [Post.]

at gaze; (a) in stag hunting, in the position assumed by a stag when becoming aware that aldry, having the head turned so as to look out from the shield; chiefly used in reference to the face of the stage of the shield chiefly used in reference to the face of the shield of the shie



which the gazelle is the type.

gazetr, n. [11,1 acopper coin formerly issued by
gazetr, n. [11,1 acopper coin formerly issued by
gazetre, n. [11, acozeila, a gazette, newspaper,
prob. from gazetla, a gazette, newspaper,
price paid for the paper; also thought to be
from gazetla, a magpie, and to mean a chat1, a newspaper; a printed sheet of paper terer or tattler.j
 1. a newspaper; a printed sheet of paper containing an account of current events: now used mainly in the names of some newspapers.

## FOR PRE-CLINICAL TESTING OF DRUG SAFETY

## Report of a WHO Scientific Group

6. Concluding remarks	5. Relationship between animal and human studies	4. Pharmacological and toxicological studies	3. Biochemical studies	2. General considerations .	1. Introduction	
marks.	Clwern .	al and t	dic	erations	:	
:	animal a	oxicologi	:	•	:	
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WORLD HEALTH ORGANIZATION

REPORT OF A WHO SCIENTIFIC GROUP

of pharmaceutical and legal problems. The following definition of "a drug" is considered more suitable for this report:

WORLD HEALTH ORGANIZATION

group of experts and does not necessarily represent the deci-sions or the stated policy of the World Health Organization. This report contains the collective views of an international

TECHNICAL REPORT SERIES

No. 341

to modify or explore physiological systems or pathological states for the benefit of the recipient." "A drug is any substance or product that is used or intended to be used

imply that the drug has not been extensively investigated clinically, countries. It is not, however, used in that sense here but is only meant to It is recognized that this term has legal or regulatory significance in some The term "new drug" has also been used extensively in this report.

## 3. BIOCHEMICAL STUDIES

factors controlling drug action is of fundamental importance for proper distribution, excretion, and metabolism of a drug. Knowledge of these The biochemical studies discussed in this section include absorption,

simple linear relationships can provide estimates of these and other parabody suids, renal excretion and localization in tissues. In many instances, rate and degree of absorption, rate of disappearance from the body or in body fluids and tissues. The purpose of these studies is to estimate the doses by various routes to animals and measurement of drug concentrations Typical experiments on new drugs involve the administration of single

metabolic products with therapeutic or toxic effects, and provides the rationale for development of suitable dosage regimens. information facilitates extrapolation of animal data to man, discloses The value of quantitative studies of this type has been established. This

absorption, and complex formation with dyes. For some drugs, the use procedures such as spectrofluorescence, chemical coupling, ultraviolet of isotopic tracer methods may be necessary. biological fluids and tissues. Most drugs can be assayed by a relatively few The studies discussed here require methods for the assay of the drug in

fances, methods of low specificity may give useful information to the paper chromatography, and countercurrent distribution. In some insby techniques such as gas chromatography, thin layer chromatography, The specificity of the method must be known and may be established



## Center for Drugs and Biologics Food and Drug Administration Department of Health and Human Services

GUIDELINE FOR THE FORMAT AND CONTENT
OF THE

NONCLINICAL PHARMACOLOGY/TOXICOLOGY

SECTION OF AN APPLICATION

(There are NOA guidature which are of applied to I've subjustions. The page of arrival onelines the order of arrival rate of chimal should in terms of route of administration)

February 1987

## G. Route and Mode of Administration

 Studies for each species within each type of study should first represent the intended route of human use, followed by data for other routes in the following relative order:

> Oral Intravenous Intramuscular Interperitoneal Subcutaneous Inhalation Topical Other in vivo In vitro

## H. Doses

- Multidose data should be displayed from the lowest to the highest dose.
- Within each multigroup study, results should similarly be presented in all tables in order of increasing dosage:

Untreated control
Vehicle control
Low dose
Middle dose(s)
High dose
Positive or comparative control(s)

3. Dose should preferably be based on the active moiety component if the drug is a salt or other dissociable derivative. In any case, it should be clearly stated that whether the calculation of dose is based on the active